

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:) Chapter 7
)
OAHU SUGAR COMPANY, LLC,) Case No. 05-15100
)
Debtor.) Hon. Timothy A. Barnes
)
) Hearing Date: April 24, 2018
) Hearing Time: 10:00 a.m.
) Courtroom: 744

**NOTICE OF MOTION AND FINAL APPLICATION FOR COMPENSATION AND
REIMBURSEMENT OF EXPENSES AS COUNSEL FOR THE CHAPTER 7 TRUSTEE
BY STAHL COWEN CROWLEY ADDIS LLC, FOR THE PERIOD OF JUNE 17, 2014
THROUGH AND INCLUDING APRIL 30, 2015**

PLEASE TAKE NOTICE that on Tuesday, April 24, 2018, at 10:00 a.m., or as soon thereafter as counsel may be heard, we shall appear before the Honorable Timothy A. Barnes of the United States Bankruptcy Court for the Northern District of Illinois, or whomever may be sitting in his stead in Courtroom 744, and then and there present the FINAL APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES AS COUNSEL FOR THE CHAPTER 7 TRUSTEE BY STAHL COWEN CROWLEY ADDIS LLC, FOR THE PERIOD OF JUNE 17, 2014 THROUGH AND INCLUDING APRIL 30, 2015, a copy of which is attached hereto and hereby served upon you.

Dated: April 3, 2018

Stahl Cowen Crowley Addis LLC

By: /s/ Bruce Dopke
Member, Stahl Cowen Crowley Addis LLC and former
counsel for Alex D. Moglia, as Chapter 7 Trustee

Bruce Dopke, Member (ARDC # 3127052)
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CERTIFICATE OF SERVICE

I, Bruce Dopke, an attorney, hereby certify that I caused to be served a complete and accurate copy of the attached Notice of Motion and the "FINAL APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES AS COUNSEL FOR THE CHAPTER 7 TRUSTEE BY STAHL COWEN CROWLEY ADDIS LLC, FOR THE PERIOD JUNE 17, 2014 THROUGH AND INCLUDING APRIL 30, 2015" by causing a copy of the same to be sent: (a) electronically and through the Court's electronic delivery system, to those persons who are registered to receive electronic service of process in this case, and (b) in addition to electronic service, by first class United States mail to the persons identified in the attached Service List, sent on or before 6:00 p.m. Central Time on April 3, 2018.

/s/ Bruce Dopke

Service List

Patrick M. Jones
PMJ PLLC
100 South State Street
Chicago, IL 60603

D/C Distribution, LLC
900 N. Michigan Avenue,
Suite 1400
Chicago, IL 60611

Oahu Sugar, LLC
900 North Michigan
Avenue
Suite 1400
Chicago IL 60611

Alex D. Moglia
Moglia Advisors
1325 Remington Road,
Suite H
Schaumburg, IL 60173

Joseph D. Frank
Jeremy C. Kleinman
FrankGecker LLP
325 N. LaSalle Street,
Suite 625
Chicago, IL 60654

Todd C. Jacobs
Shook, Hardy & Bacon
L.L.P.
111 S. Wacker Dr., Suite
5100
Chicago IL 60606

Patrick S. Layng
Gretchen Silver
Office of the United States
Trustee
219 S. Dearborn Street,
Room 873
Chicago, IL 60604

Mark D. Plevin
Crowell & Moring LLP
275 Battery Street, 23rd
Floor
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94111

Tracie Yoon
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Environment and Natural
Resources Division
Environmental
Enforcement Section
PO Box 7611
Washington DC 20044-
7611

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:) Chapter 7
OAHU SUGAR COMPANY, LLC,) Case No. 05-15100
Debtor.) Hon. Timothy A. Barnes

**FINAL APPLICATION FOR COMPENSATION AND REIMBURSEMENT
OF EXPENSES AS COUNSEL FOR THE CHAPTER 7 TRUSTEE BY STAHL
COWEN CROWLEY ADDIS LLC, FOR THE PERIOD OF JUNE 17, 2014
THROUGH AND INCLUDING APRIL 30, 2015**

Stahl Cowen Crowley Addis LLC (“SCCA”), former counsel to Alex D. Moglia, not individually but solely as the Chapter 7 trustee appointed in the above-captioned case (the “Trustee”), files this Final Application For Compensation And Reimbursement Of Expenses As Counsel For The Chapter 7 Trustee By Stahl Cowen Crowley Addis LLC For The Period Of June 14, 2014 Through And Including April 30, 2015 (the “Application”). In support of the Application, SCCA respectfully states as follows:

JURISDICTION AND VENUE

The district court has jurisdiction over this case pursuant to Section 1334 of Title 28 of the United States Code. This case has been properly referred to the bankruptcy court. Venue of this case is proper in the Northern District of Illinois, Eastern Division.

BACKGROUND

1. This case was commenced by the filing of a petition for relief pursuant to Chapter 7 of the Bankruptcy Code on April 19, 2005 (the “Petition Date”).
2. On June 23, 2014, the Court entered and Order authorizing the substitution of SCCA as counsel for the Trustee.
3. SCCA did not receive a retainer in this case.
4. On October 10, 2014, SCCA filed its “First Application For Compensation And

Reimbursement of Expenses As Counsel For The Chapter 7 Trustee By Stahl Cowen Crowley Addis LLC, For The Period June 17, 2014 Through And Including September 30, 2014” (the “Interim Application”). Through the Interim Application, SCCA sought the allowance (but not payment) of \$14,535.00 in fees incurred by SCCA on behalf of the Trustee during the period of June 17, 2014 through and September 30, 2014.

5. On December 3, 2014, the Court entered an order which granted the Interim Application in the amount requested (\$14,535.00)(the “Interim Allowance”)(Doc. 148) but did not order the payment of such allowance.

6. All of the services performed in this case by SCCA (other than the preparation of this Application) were performed by Mr. Patrick Jones at a time in which he was a member of SCCA. After Mr. Jones departed SCCA, he continued to represent the Trustee and SCCA withdrew its appearance as the Trustee’s counsel (see Doc. 186).

7. Through this Application, SCCA seeks a final allowance and payment (as available funds permit) of \$31,517.50 (consisting of \$31,397.50 of fees and \$120.00 of costs), which includes the \$14,535.00 sought in SCCA’s Interim Application, an additional \$16,022.50 of fees and \$120.00 of costs rendered by SCCA to the Trustee after the time period covered by the Interim Application, and, in addition to all of the above, \$840.00 for the preparation and presentation of this Application.

8. SCCA further requests that the Order which grants this motion should authorize the Trustee to pay that final allowance at the time that distributions are paid to creditors of equal priority under the bankruptcy code, and as available funds permit. In addition to this, the Trustee has asked SCCA and other claimants to agree to permit the Trustee to hold back from the allowances made to SCCA and other claimants of equal priority the sum of Five Thousand Dollars (\$5,000.00) to provide funding for the proper closure of this estate (the “Holdback”). SCCA has

agreed to this request.

REQUEST FOR ALLOWANCE OF COMPENSATION

9. All professional services for which allowance of compensation is requested were performed by SCCA for and on behalf of the Trustee. During the relevant period, SCCA rendered a total of 37.7 hours of professional services on behalf of the Trustee. The time spent by Attorneys and other professionals is as follows:

| Name of Professional | Type of Professional | Hours Worked |
|----------------------|----------------------|--------------|
| Patrick M. Jones | Attorney | 37.7 |

A complete accounting of the foregoing time is provided in Exhibits A and B hereto.

REQUEST FOR REIMBURSEMENT OF EXPENSES

10. Actual expenses advanced by SCCA on behalf of the Debtor from October 2, 2014 through April 2, 2015 total \$120.00. Such costs are itemized in Exhibits A and B hereto.

COMPENSATION PREVIOUSLY RECEIVED

11. Although SCCA's Interim Application was granted, no part of that allowance has been paid.

REQUEST FOR PAYMENT OF FEES

12. SCCA does not request a departure from the usual procedures which govern distributions to administrative creditors in Chapter 7 cases. SCCA requests that its final allowances should be made when the Trustee makes payment to other creditors of similar priority and nature, and as available funds permit.

BILLING RATES

13. Primary counsel for the Trustee has been Patrick M. Jones. The standard rate charged by Patrick M. Jones for routine, non-complicated matters, without considering the size and degree of responsibility, difficulty, complexity, and results achieved is \$425 per hour.

14. Based on that rate and the detail of time provided in Exhibits A and B attached

hereto, the value of the professional services rendered in this case on behalf of the Trustee during the time period of October 2, 2014 through April 2, 2015 is \$16,022.50.

15. The rates charged by SCCA as set forth herein are customary for bankruptcy attorneys of similar skill and reputation. For services of the type rendered herein where those services were performed for a private client, SCCA would charge a reasonable fee for services rendered, on an hourly rate or, in addition, a contingent or fixed fee basis. The fee requested by SCCA is comparable to those fees which would be charged to a private client for similar services rendered by SCCA.

SUMMARY OF SERVICES RENDERED

16. The contribution that Mr. Jones made to this case, both as a member of SCCA and then later, in his present firm (PMJ PLLC) is detailed in the “Second Application For Compensation And Reimbursement Of Expenses As Counsel For The Chapter 7 Trustee By PMJ PLLC For The Period February 1, 2017 Through And Including January 31, 2018” (Doc. 232, filed on February 15, 2018)(the “PMJ PLLC Application”), whose content is incorporated into this final Application by this reference. In sum, Mr. Jones successfully represented the Trustee’s interests with respect to insurance proceeds which were subject to third-party claims which were vigorously asserted. Mr. Jones’ efforts resulted in a settlement with the adverse claimants (which this Court approved on January 1, 2018, Doc. 231) which either has or will shortly result in the payment of \$93,000.00 to the Trustee. The fact that material distributions may be made in this case to creditors is attributable, to a large extent, to that settlement and Mr. Jones’ effort to obtain it both prior to and after his tenure with SCCA.

17. Exhibit A provides a detailed record of the services rendered and costs incurred by SCCA on the Trustee’s behalf during October of 2014. Exhibit B provides a detailed record of the services rendered and costs incurred by SCCA on the Trustee’s behalf between November 2014 and

April of 2015. No services were rendered to the Trustee after April of 2015.

18. All of the services rendered by SCCA to the Trustee which are reflected in Exhibits A and B focused on the recovery from the disputed insurance proceeds described in SCCA's Interim Application and in the PMJ PLLC Application.

19. In addition to the services performed by Mr. Jones, SCCA requests the allowance of \$840.00 for the preparation of this Application and the appearance, if required, at the scheduled hearing on this Application. The Application was prepared by Mr. Bruce Dopke, an experienced bankruptcy practitioner and a member of SCCA's firm. Mr. Dopke's usual billing rate for matters of this kind has been set at \$420.00 per hour since April of 2017. The requested allowance of \$840.00 would compensate SCCA for two hours of Mr. Dopke's time. Although the preparation of this Application required more than two hours of time, SCCA believes that it is appropriate, especially in cases like this one in which the distributions to creditors may be limited, to limit its request for compensation for the preparation of this Application to the two hours requested.

NOTICE

20. Notice of this Application is being provided electronically to all parties who have requested electronic notice and by U.S. Mail to the Trustee, the U.S. Trustee's Office, and the creditors identified in the service list which is appended to the notice of motion relative to this application. That creditor list, on information and belief, represents the parties in interest who may have a financial interest in the distributions which may be made by the Trustee between now and the conclusion of this case. As permitted by Federal Rules of Bankruptcy Procedure 2002 and 9006, SCCA asks the Court to limit the notice of this Application to such parties.

WHEREFORE, SCCA respectfully requests that the Court enter an Order which (a) grants SCCA a final allowance of \$31,517.50 (consisting of \$31,397.50 of fees and \$120.00 of costs), which includes the \$14,535.00 sought in SCCA's Interim Application, an additional \$16,022.50 of

fees and \$120.00 of costs rendered by SCCA to the Trustee after the time period covered by the Interim Application, and, in addition to all of the above, \$840.00 for the preparation and presentation of this Application.; (b) authorizes and directs the Trustee to pay such allowances, in whole or in part, as available funds and the provisions of the Bankruptcy Code permit following the retention by the Trustee of the \$5,000 Holdback which SCCA has consented to; (c) approves the notice of this Application to parties in interest to those persons identified in the Certificate of Service appended to this Application; and (d) for such other relief as this Court deems just and appropriate.

Dated: April 3, 2018

Stahl Cowen Crowley Addis LLC

By: /s/ Bruce Dopke

Member, Stahl Cowen Crowley Addis LLC and former
counsel for Alex D. Moglia, as Chapter 7 Trustee

Bruce Dopke, Member (ARDC # 3127052)
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PAGE: 1
 11/03/2014
 CLIENT NO: 34374-001W
 STATEMENT NO: 724805

Oahu Sugar

FEES

| | | | HOURS |
|------------|-----|----------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 10/02/2014 | PMJ | Call with Alex Moglia and Gary Wencel regarding the insurance impasse. | 0.40 |
| 10/06/2014 | PMJ | Researching law in support of declaration that D/C estate has no interest in insurance policies. | 6.00 |
| 10/07/2014 | PMJ | Drafting complaint for declaratory relief that D/C estate and its creditors have no interest in policies to be assigned to Kaanapali. | 6.50 |
| 10/10/2014 | PMJ | Drafting fee application. | 2.00 |
| 10/13/2014 | PMJ | Call with client and counsel to D/C Distribution estate regarding claims against Amfac policies. | 0.50 |
| | PMJ | Revising the terms of the stipulation and assignment consistent with comments from counsel to the D/C Distributions bankruptcy estate. | 1.20 |
| 10/14/2014 | PMJ | Call with David Curry, counsel to Kaanapali, re: assignment of Oahu's interest in the fireman's fund policies. | 0.50 |
| | | | 17.10 |
| | | | <u>7,267.50</u> |

COSTS

| | | |
|------------|-----------------------------|--------------|
| 10/24/2014 | Westlaw Information Charges | 60.00 |
| | | <u>60.00</u> |

PREVIOUS UNPAID BALANCE \$14,535.00

TOTAL FEES & COSTS 7,327.50

PLEASE REMIT \$21,862.50

PAST DUE AMOUNTS

| | | | | | |
|-------------|--------------|--------------|---------------|----------------|-------------|
| <u>0-30</u> | <u>31-60</u> | <u>61-90</u> | <u>91-120</u> | <u>121-180</u> | <u>181+</u> |
| 0.00 | 14,535.00 | 0.00 | 0.00 | 0.00 | 0.00 |

Moglia Advisors

Oahu Sugar

PAGE: 2
11/03/2014
CLIENT NO: 34374-001W
STATEMENT NO: 724805

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PAGE: 1
 03/22/2018
 CLIENT NO: 34374-001W
 STATEMENT NO: 756057

Oahu Sugar

FEES

| | | | HOURS |
|------------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 11/06/2014 | PMJ | Reviewing changes to consent to assignment proposed by counsel to DC Distribution. | 1.20 |
| 11/07/2014 | PMJ | Revising consent to assignment agreement. | 2.50 |
| 11/12/2014 | PMJ | Attended hearing on first interim fee application. | 1.00 |
| 11/18/2014 | PMJ | Call with Kaanapali regarding proposed settlement. | 0.60 |
| 11/20/2014 | PMJ | Reviewing proposed modifications to reversion agreement presented by D/C Distribution estate. | 1.00 |
| 11/24/2014 | PMJ | Revising Reversion Agreement. | 2.60 |
| 11/26/2014 | PMJ | Revising the Reversion Agreement and Stipulation consistent with objections of counsel to D/C distribution estate. | 2.00 |
| 12/01/2014 | PMJ | Call with counsel to KLLC regarding requested changes to the reversion agreement and stipulation provided by counsel to the D/C Distribution estate. | 0.50 |
| 12/02/2014 | PMJ | Revising reversion agreement and stipulation for circulation to KLLLC. | 0.80 |
| 12/04/2014 | PMJ | Responding to counsel to KLLLC's regarding the modifications to the stipulation and agreement. | 0.50 |
| | PMJ | Call with counsel to KLLLC regarding further modifications to the stipulation and agreement. | 1.00 |
| 12/12/2014 | PMJ | Call with John Hahn and David Curry regarding alleged D/C conflict. | 0.50 |
| 12/16/2014 | PMJ | Call with KLLLC's insurance counsel, Marc Rosenthal. | 0.70 |
| 12/18/2014 | PMJ | Call with client, counsel to KLLLC, and counsel to D/C Distribution estate. | 1.20 |
| 01/21/2015 | PMJ | Reviewing fee application filed on behalf of Greensfelder. | 0.50 |

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Oahu Sugar

PAGE: 2
03/22/2018
CLIENT NO: 34374-001W
STATEMENT NO: 756057

HOURS

| | | | |
|------------|-----|---------------------------------------------------------------------------------------------------|---------------------|
| 01/26/2015 | PMJ | Reviewing analysis of D/C asbestos claims. | 1.00 |
| 01/27/2015 | PMJ | Reviewing letter from Mark Plevin regarding AMFAC policies; researching claims set forth therein. | 1.00 |
| 02/03/2015 | PMJ | Attended hearing on Greensfelder final fee application(.8); drafting proposed order (.20) | 1.00 |
| 04/02/2015 | PMJ | Preparing for and participating in call with client and counsel to D/C estate. | 1.00 |
| | | | <hr/> |
| | | | 20.60 8,755.00 |

COSTS

| | | |
|------------|-----------------------------|-------|
| 02/06/2015 | Westlaw Information Charges | 60.00 |
| | | <hr/> |
| | | 60.00 |

PREVIOUS UNPAID BALANCE \$21,862.50

TOTAL FEES & COSTS 8,815.00

PLEASE REMIT \$30,677.50

PAST DUE AMOUNTS

| | | | | | |
|-------------|--------------|--------------|---------------|----------------|-------------|
| <u>0-30</u> | <u>31-60</u> | <u>61-90</u> | <u>91-120</u> | <u>121-180</u> | <u>181+</u> |
| 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 21,862.50 |

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